

Before

UTTARAKHAND ELECTRICITY REGULATORY COMMISSION

Petition No. 21 of 2020

In the matter of:

Petition for issuing necessary directions for fixing the electricity tariffs as per FY 2015-16 for the allocated Solar Power Plants and 40% additional tariff for the Solar PV plants installed in the hilly terrain of Uttarakhand.

In the matter of:

Sh. Digamber Singh Bisht

Sh. Dhirender Singh Rawat

... Petitioners

AND

In the matter of:

Uttarakhand Power Corporation Ltd.

Uttarakhand Renewable Energy Development Agency

... Respondents

CORAM

Shri D.P. Gairola Member (Law)

Shri M.K. Jain Member (Technical)

Date of Hearing: October 13, 2020

Date of Order: June 11, 2021

The Order relates to the Petition dated 27.07.2020 filed by Sh. Digamber Singh Bisht (hereinafter referred to as "Petitioner-1") and Sh. Dhirender Singh Rawat (hereinafter referred to as 'Petitioner-2') (hereinafter collectively referred to as "the Petitioners") for issuance of appropriate directions to UPCL and/or UREDA for fixing the electricity tariff as per the generic tariff specified by the Commission vide its suo-moto Order dated 23.07.2015 for small Solar PV Plants allocated to them in accordance with the advertisement dated 01.01.2016 published by UREDA in FY 2015-16. The Petitioners also requested to be allowed 40% additional tariff for solar energy based power plants to be installed in the hilly terrain of Uttarakhand.

1. Background and Petitioners' submissions

- 1.1 The Petitioner submitted that UREDA had invited applications vide its advertisement dated 01.01.2016 under MNRE scheme for 'Grid connected Rooftop and Small Solar PV plant' (hereinafter referred to as "Scheme") for installation of grid interactive Rooftop & small Solar PV power plants for total capacity of 10 MW out of which capacity of 7.90 MW was reserved for plain terrain and a capacity of 2.10 MW was reserved for hill terrain. The Applicants were to be selected on first come first serve basis. The Petitioners submitted that within one hours on the first day of advertisement, applications for total capacity of 7.9 MW for plain terrain whereas only one application, i.e. from the Petitioner No. 2, were submitted for development of Solar Plant in hilly terrain.
- 1.2 The Petitioner-1 submitted that his son Sh. Kavender Singh Bisht, had applied for installation of 500 kW capacity solar plant which was rejected stating that applicant had applied involving third party although he was the domicile of Seeku village and electricity connection was in the name of his father. However, UREDA had accepted applications of other applicants having similar issues, i.e. involvement of third party (connection was in the name of someone else). Thereafter, Sh. Kavender Singh Bisht, had to apply for the solar plant in the name of his father, i.e. the Petitioner-1 on 07.01.2016. Subsequently, UREDA issued LoA on 15.03.2016 for the capacity of 500 kW grid interactive Solar PV power plant. However, officials of UREDA gave a negative comment stating that there was shortage of land for installation of solar power plant whereas Gram Panchayat of village Seeku had allotted the land on 02.01.2016 and under the democratic Panchayati Raj setup, decisions taken by the Village Panchayat for the betterment and development of the village are paramount and officials of UPCL also had given a positive comment. The Petitioners further added that based on the negative comment, the Petitioners approached the concerned authority and got approval of the Government on allotment of the said land. Thereafter, once again LOA was issued to the Petitioners on 24.09.2016 and on the same day PPA was executed with UPCL for the supply of power from the said plant.
- 1.3 The Petitioner-1 submitted that he had approached UPCL on 16.12.2016 for the construction of HT line, however, no response was made by UPCL till January, 2017. Accordingly, line was constructed by him in the month of February, 2017 as per the provisions of the PPA and he informed UPCL regarding the construction of the line. Subsequently, Electrical

Inspector vide its letter dated 21.05.2017 issued certificate in favour of the Petitioner-1 w.r.t. to the constructed line. The Petitioner-1 also submitted that UPCL in February, 2018 asked him to submit the prescribed supervision charges for the line. The Petitioner-1 submitted that it took more than one year for UPCL to seek payment towards supervision charges amounting to Rs. 42,257. Thereafter, the solar power plant was commissioned on 20.03.2018 on the payment of the supervision charges by the Petitioner-1 whereas, UPCL constructed HT line for the solar plant belonging to the Petitioner-2 within 7 months. The Petitioner-1 submitted that UPCL is required to construct HT line within 90 days as per rules, however, UPCL took 60 days to provide the estimates for construction of the line and took almost one year to send details of the supervision charges. Hence, the delay in commissioning of the solar power plant is due to lackadaisical approach of UPCL.

- 1.4 The Petitioners submitted that for the purpose of development of land and for procurement of solar equipment, payment was made to EPC contractor from its own resources. The Petitioners also submitted that due to limited internal resources the Petitioners approached many banks, however, banks expressed their inability to provide funds due to lack of knowledge regarding the MNRE Scheme. UCO Bank wrote a letter to UREDA to enquire about the subsidy to be provided by MNRE under the scheme. However, UREDA did not reply to the said letter.
- 1.5 The Petitioner-1 submitted that UREDA vide its letter dated 09.03.2017 levied a penalty at the rate of 1% monthly deduction from the subsidy for delay in commissioning of the plant ignoring the extension approved by MNRE and subsequently, vide letter dated 12.06.2017 informed that the subsidy is not admissible for solar power plant of Petitioner-1 which was in contravention to the guidelines of MNRE that provide 27 months for installation of a solar power plant. The Petitioner-1 submitted that as per guidelines issued by MNRE, the project completion period will be 15 months from the date of sanction in Special Category States. However, the project duration will be applicable only for those projects where tender will be called. Extension for first four months with valid reasons will be at Division head level, next four months with 1% penalty at Group Head Level and subsequent four months with 2% penalty at Secretary level. Beyond 12 months no extension will be granted and projects be scrapped rendering them ineligible for subsidy. Total duration of the projects with all extensions will be twenty-seven months in special category states.

Therefore, UREDA violated the rules specified by MNRE.

- 1.6 The Petitioner-1 submitted that 2 nos. of meters were provided to UPCL for testing on 20.01.2017. UPCL found the meters unfit and returned the same after 13 months. The Petitioner-1 also submitted that the Commission taking cognizance of the fact also expressed its displeasure towards the lenient approach adopted by UPCL.
- 1.7 The Petitioners also submitted that any concerned authority cannot consider any application w.r.t. construction of HT line or connectivity before the execution of PPA as per the information provided by UPCL vide its letter dated 28.08.2019 under RTI. However, some of the developers constructed HT line on their own and deposited the supervision charges to UPCL without executing PPA with UPCL.
- 1.8 The Petitioners have also mentioned certain instances to demonstrate the irregularities in the selection of the developers under the Scheme by UREDA and irregularities by UPCL during the inspection of the plants of such developers. The Petitioners submitted that in few cases, the construction of the line was completed prior to the execution of PPA whereas in some other cases, the plants were declared under commercial operation without connectivity/construction of the transmission line and/or without any inspection by UPCL. Further, in some of the cases, the solar power plant commissioning certificates were issued by Headquarter, Haldwani, though the plants were installed in Roorkee and, accordingly, the commissioning certificates should have been issued by Regional Assistant Electrical Inspector, Roorkee.
- 1.9 The Petitioners submitted that the entire procedure for selection of the developers and commissioning of the plants under the scheme is suspicious. Further, in most of the cases, the plants were declared under commercial operation within 24 to 72 hours of signing of the PPA by ignoring the rules and regulations whereas, generally it takes 12 to 15 months to construct a solar power plant as per MNRE guidelines. It appears from the functioning of UREDA and UPCL that the entire malpractice was adopted to avail the tariff of FY 2015-16 and subsidy from MNRE. Further, solar power plants of nine developers out of ten selected developers in plain terrain were constructed by the same EPC Contractor, i.e. M/s Mittal Machines Pvt. Ltd. which also raises question.
- 1.10 The Petitioners submitted that the main reason for such irregularities are the rules that

allow generic tariff for the solar power plants based on the year of commissioning. However, instead of this, the tariff should be decided based on the year of allotment of the project so that this kind of irregularity and red tape of various officials can be stopped.

- 1.11 The Petitioners also submitted that MNRE vide its letter dated 19.09.2017 had directed UREDA to recover the amount of subsidy, i.e. Rs. 18.60 Crore allowed to 10 solar power plant developers in plain terrain under the Scheme. However, neither any initiative has been taken by the officials of UREDA to recover the amount of subsidy from such developers nor any disciplinary action has been taken against the responsible officers.
- 1.12 The Petitioners submitted that considering the heterogeneous geographical conditions of the mountainous regions, same electricity rate to the solar power plants installed in the mountainous areas and the plains is not justified. Even MSME policy has divided Uttarakhand State into five categories to provide benefit to the beneficiaries in the hilly terrain.

2. Respondents' reply

- 2.1 The Commission forwarded a copy of the Petition to UPCL and UREDA for comments and fixed a hearing on 25.08.2020 for admissibility. However, UPCL and UREDA requested the Commission to permit additional time for submission of comments in the matter. Accordingly, the Commission fixed a hearing on 14.09.2020. However, UPCL vide letter dated 11.09.2020 again requested the Commission to postpone the hearing. The Commission accepted the request of the Respondent and rescheduled the hearing for 13.10.2020. During the hearing, the Petitioners and the Respondents reiterated their submissions before the Commission which has been dealt in the subsequent paragraphs of this Order.
- 2.2 UREDA vide its reply dated 09.09.2020 submitted that as per MNRE's scheme dated 14.06.2014 read with Commission's Suo-moto Order dated 21.07.2015 for determination of generic tariff for solar energy based power plants in accordance with RE Regulations, 2013, any consumer in the state of Uttarakhand could develop rooftop Solar PV plants having capacity upto 500 kW under net metering arrangement. Further, based on the expenditure, subsidy was also granted under the said Scheme. UREDA submitted that applications had been invited based on the predetermined selection procedures and allocation of the capacity

to the selected applicants were done only after technical analysis for suitability of the plant. UREDA also submitted that the Petitioner-1 applied for the capacity of 500 kW solar power plant in village Seeku alongwith a proposal of Gram Panchayat for allocation of land in favour of the Petitioner to install solar power plant, however, no lease documents had been submitted. It is a prerequisite to have the ownership/lease of the land, therefore, the Petitioner-1 was asked to submit ownership/lease related document. The Petitioner-1 was given sufficient time to procure land on lease. Subsequently, the lease documents were submitted by the Petitioner-1 on 23.09.2016 and, thereafter, LOA was issued to the Petitioner-1.

- 2.3 UREDA submitted that although it is not the responsibility of UREDA to provide assistance for arrangement of funds from banks, UREDA provided all the information regarding allottees as sought by the various banks for approving loans to the solar developers/allottees.
- 2.4 Referring to the MNRE guidelines with regard to timeline for completion of the project, UREDA submitted that as per MNRE 15 months period is allowed for installation of the plant. Since all the allotment of the solar capacity to the State under the scheme was done by MNRE, on 08.03.2016, accordingly, the scheduled completion date works out to 07.06.2017 for the plants allotted under the Scheme. However, no information was provided by the Petitioner-1 regarding completion of the project, therefore, UREDA vide letter dated 12.06.2017 informed the Petitioner-1 regarding non-applicability of CFA for his plant. Further, it is to be noted that MNRE constituted a committee for the inspection of the solar power plants installed under the scheme for fixation of corresponding subsidy. MNRE had laid down certain standards for physical inspection of the plants copy of which was already forwarded to the Petitioner-1. However, the Petitioner-1 filed a suit before the Hon'ble High Court against the standards set by MNRE, on which the decision of the High Court is still awaited. It is to bring to the notice of the Commission that all standards laid down by MNRE had been followed by UREDA while allotting projects and releasing subsidy.
- 2.5 With regard to releasing of subsidy to the selected developers, UREDA submitted that the subsidy was released only after inspection of all sites and fulfilment of all technical standards. UREDA found all the solar power plants duly installed and commissioned. Further, according to the certificates provided by UPCL, these plants were connected to the

electricity grid. Further, it is noteworthy that there is no obligation to upload the details of the establishment of the plants on the SPIN portal before releasing the grant.

- 2.6 UREDA submitted that process of releasing the subsidy was started only after the registration, allotment by UREDA and grid connectivity by UPCL. Further, UREDA does not have any role in determination of the tariff for supply of electricity. Moreover, as far as MNRE's direction for recovery of subsidy from the 10 nos. of solar power plant developers is concerned, UREDA submitted that some of the developers who had been allowed to develop solar power plants under the scheme, had filed a WRIT Petition before the Hon'ble High Court against the order of MNRE w.r.t. recovery of subsidy from the plants not installed on rooftop. In the matter, Hon'ble High Court directed MNRE to inspect all the solar power plants set up under the scheme by a team of officers and determine the grant of permission. In accordance with the directions issued by the Hon'ble High Court, inspection of all the solar power plants developed under the Scheme were inspected and all the twelve solar power plant developers including the Petitioners were found eligible for CFA.
- 2.7 Thereafter, MNRE vide Order dated 29.04.2019 redefined the standards contrary to the earlier approved guidelines for approval of central grants under the Scheme. The information of the same was forwarded to the Petitioners and other developers under the Scheme. Further, in the aforesaid Order of MNRE, there was a discrepancy in the standards set by MNRE for the allowance of grant which were not in conformity with the Order of the Hon'ble High Court, the report of the committee constituted by MNRE for terrestrial inspection of the plants and the guideline issued earlier by MNRE for the scheme. Accordingly, the revised standards are not applicable to the solar power plants already commissioned under the scheme, the Petitioner-1 has again filed a Petition before the Hon'ble High Court against the MNRE Order dated 29.04.2019.
- 2.8 UREDA submitted that after thorough analysis, it has been found that all the obligations set at UREDA's level namely, the publication of Solar power plant related information, registration of applications received, allocation of solar power plants after scrutiny of all applications, confirmation of technical standards, release of grants after establishment of the plants and uploading of information on the SPIN portal of the Government of India has been executed according to the predetermined procedure and rules.

- 2.9 UREDA also submitted that under the Scheme, installation of plants up to 500 kW capacity was permissible on the roofs and available space in the premise of buildings. However, due to ambiguity at MNRE level regarding installation of plant only on the roofs or on the ground, grant could not be released to the plants established after April, 2017. Although, the Hon'ble High Court vide its Order dated 13.06.2018 had also clarified that as per the instructions given by MNRE for this purpose, it was permissible to set up solar power plants up to 500 KW capacity, on the roofs or free land of the buildings available in the building premises. However, due to the existing ambiguity at MNRE level, the Order dated 29.04.2019 issued by MNRE and Petition filed by the Petitioners before the Hon'ble High Court, the decision regarding release of grant by MNRE could not be taken.
- 2.10 UPCL vide its reply dated 19.11.2020 submitted that the upon making an application by the Petitioner-1 on 16.12.2016, the concerned Executive Engineer marked the same to the SDO/JE on 17.12.2016 and after that inspection of the site was done and it was found that the material for construction of the line reached the site on February, 2017. The inspection of the line was done by the Electrical Inspector on 21.05.2017 whereas the plant was commissioned in March, 2018. Therefore, the delay, if any, with regard to line had no impact upon the delay in commissioning.
- 2.11 UPCL submitted that the solar power plant of the Petitioner-1 got commissioned only on 20.03.2018 when the meters were finally required, therefore, the delay, if any, in testing of meters has no implication and does not contribute to delay in commissioning of plant. Further, testing of meter lasts only for 6 months and, thereafter, the testing has to be done again and, therefore, even if the meters were submitted for testing earlier and the commissioning of the plant got delayed the testing of meter will not in any way impact the commissioning of the plant.
- 2.12 UPCL submitted that the Petitioner-1 should have explained the various stages in commissioning of the plants to justify the delay and to show how the Respondents have contributed to the same, on the contrary the Petitioner-1 is trying to justify the same by making submission with regard to commissioning of the plant by other parties. Further, the Petitioner-1 has failed to show that any special obstruction was caused to the Petitioner-1 by the answering Respondents which delayed the erection of the line or commissioning of the solar plant.

- 2.13 Further, with regard to fixation of tariff as per issuance of letter of award, UPCL submitted that the contention of the Petitioners is against the provisions of Regulations. Moreover, the cost of plant is derived with respect to the time when the plant gets commissioned and the issuance of LoA has no relevance with regard to the cost and expenses of the plant, therefore, the provisions of the regulations regarding applicability of the tariff as per the year of commissioning is correct and the contentions of the Petitioners is totally wrong.
- 2.14 UPCL also submitted that the issue raised by the Petitioners in the Petition with regard to delay in commissioning of the solar power plant and demand of the Petitioners for the tariff applicable for FY 2015-16 has already been examined by the Commission in its suo-moto Orders dated 15.06.2018 in Petition no. 27 of 2018 (*Suo-moto*) and Petition no. 28 of 2018 (*Suo-moto*) that clearly shows that the Petitioners earlier too had claimed the tariff for FY 2015-16 and it was directed that the tariff order with zero subsidy as determined vide aforementioned Suo-moto Orders shall be applicable. Further, with regard to separate tariff for the hilly terrain the Commission in the said Order has held that RE Regulations does not provide any provision for determination of generic or project specific tariff for the solar power plants based upon their geographical location and as per 1st proviso of Regulation 11 of RE Regulations, the Commission reviews the benchmark capital cost on annual basis and the regulation does not provide any dispensation for allowing separate tariff for project installed in hilly or plain region and the Commission had declined the request holding the same to be not as per the regulation.

3. Petitioners' rejoinder

- 3.1 Copy of the replies of the Respondents, i.e. UPCL and UREDA, were forwarded to the Petitioners for submission of counter reply, if any. In the matter, the Petitioners vide letter dated 21.12.2020 reiterated their submissions already made before the Commission. The Petitioners submitted that it is responsibility of UREDA to provide assistance and necessary information to all the potential investors. The Petitioners had to avail personal loan at higher interest rate as UREDA failed to provide requisite information to the financial institution. The Petitioners also submitted that it has been accepted by UREDA that after approval of the committee constituted by MNRE, solar power plant of the Petitioners were taken into consideration for central assistance amount. MNRE vide letter dated 29.04.2019 specified the standards for installation of solar power plant which cannot be applied on the

plants installed prior to 29.04.2019.

- 3.2 The Petitioner-1 submitted that the solar power plant would have commissioned prior to 31.03.2017 if UPCL had performed its duties in time bound manner and determined the supervision charges and provided meters after inspection on time. The work of HT line was already completed by the Petitioner-1 by end of February, 2017 but plant couldn't be commissioned due to non-availability of meters.
- 3.3 Further, it has been alleged by the Petitioners that undue benefit has been given to various beneficiaries by UPCL ignoring the rules. The Petitioners also requested the Commission to exercise its specific powers and recommend for a higher level inquiry in its final order. Further, UREDA has the same responsibility as UPCL in complying with various standards before commissioning any solar plant. All documents are required to be checked by UREDA before releasing the central assistance amount.
- 3.4 The Petitioners submitted that the Order passed by Hon'ble High Court in respect of WRIT Petition filed by various beneficiaries of Solar power plants having cumulative capacity of 28.537 MW whereas the Petitioners had been allowed solar power plant against the advertisement dated 01.01.2016 for setting up solar power plant having cumulative capacity of 10 MW.
- 3.5 The Petitioners submitted that they are the only solar power plants developers in the state who have developed solar power plants in hilly terrain. The solar power plants have been installed at a height of 1900 meter and 1600 meter from the sea level by Petitioner-1 and Petitioner-2 respectively. Therefore, it can easily be understood that how difficult it was to install a solar power plant in such a difficult terrain at high altitude. The Petitioner also submitted that the tariff rate for the solar power plants installed under the scheme of 10 MW plants was decided based on the year of commissioning and thereafter, the allotment under the various scheme of UREDA was done on tariff based competitive bidding. Therefore, considering the fact that the solar power plants of the Petitioners were the first plants installed in the hilly terrain, an additional 40% tariff may be allowed to the Petitioners.

4. Commission's views and decision

- 4.1 The Commission analysed the submissions made by the Petitioners, UPCL & UREDA. The

Commission has categorised the issues raised by the Petitioners into three categories which are as follows:

- A) Tariff as per date of allotment.
- B) Additional Tariff for Solar Power plants installed in the hilly terrain.
- C) 40% hike in the tariff approved for the Petitioners.
- D) Recommend for constitution of high level committee for reviewing malpractices followed in UPCL and UREDA.

4.2 As far as tariff rates as per the date of allotment of solar power plants is concerned, the Commission has already dealt with the issue vide Order dated 15.06.2018 in Petition no. 27 of 2018 (*Suo-moto*) and Petition no. 28 of 2018 (*Suo-moto*). The Commission would like to reiterate that as per Solar Energy Policy of Uttarakhand, 2013 as amended from time to time, solar power plants needs to be commissioned within a period of twelve months from the date of project allotment. In this regard, it is important to note that if the tariff is allowed based on the date of allotment of project, there will be no relevance of completion period specified in the Solar Energy Policy, 2013. Moreover, it has been observed that with the passage of time and upgradation of technologies, the declining trend of capital cost has been observed, therefore, passing on the benefit of lower tariff **thereof** is justified. Accordingly, if the tariff is allowed based on the allotment date, the developers probably would not take much pain to complete the project in a time bound manner since there will not be any incentive in early completion of the project. Therefore, the request of the Petitioners to allow tariff based on the date of allotment of project is not tenable.

4.3 Further, with regard to request for additional tariff for solar power plants installed or to be installed in the hilly terrain, it is to be noted that the Commission has already dealt with the issue vide its Order dated 15.06.2018 in Petitioner no. 28 of 2018 (*Suo-moto*). The Commission would like to reiterate that RE Regulations do not provide any provision for determination of generic or project specific tariff, on the basis of geographical conditions for RE sources. It is pertinent to mention that the Commission reviews the benchmark capital cost, of the grid interactive rooftop & small solar PV plants alongwith other solar based projects, on annual basis and as stated herein above the RE Regulations do not provide any dispensation for allowing separate tariffs for projects installed in hilly or plain region. Accordingly, the Petitioners' request for approving different tariff for hilly terrain is not in

accordance with the RE Regulations, 2018 and hence, not acceptable.

- 4.4 Further, the Petitioners have requested for additional 40% tariff hike stating that it was very difficult to develop solar power plants at a height of 1900 meter and 1600 meter from the sea level by Petitioner-1 and Petitioner-2 respectively. In the matter, it is pertinent to mention that RE Regulations do not provide for any kind of incremental tariff for solar power plants developed in hilly terrain. Further, the Petitioners were well aware about the location for development of solar plant as well as the tariff to be received from UPCL against the sale of electricity at the time of applying under the Scheme and accordingly, they were expected to work out the viability of their project. Claiming incremental tariff at such a later stage is not acceptable. Hence, in light of the same, the request of the Petitioners does not stand firm on any ground of reasonability and does not seem justified and is not tenable.
- 4.5 With regard to the request of the Petitioners to recommend the constitution of high level committee for reviewing malpractices/irregularities followed in UPCL and UREDA, the Commission has gone through the submissions of the Petitioners and the Respondents. The Commission is of the view that UREDA is a nodal agency for the development of renewable energy sources sector in the State of Uttarakhand. Accordingly, it is responsibility of UREDA to inform all stakeholders regarding various schemes and benefits thereof, so that applicants/ developers can be motivated to develop such projects. Further, UPCL took almost 13 months for testing of meters and also delayed in informing the supervision charges for the transmission line constructed by the Petitioners. Although in the instant matter of Petitioner-1 the aforesaid delay on account of UPCL could not be proven as the reasons for delay of the project as discussed in subsequent para of this order. The Commission expresses its displeasure in the matter and directs UPCL to develop an online single window system for seeking & processing applications of RE developers for testing of meters, supervision charges etc.

Further, with regard to the Petitioners' submission pertaining to the irregularities committed by the officers/staff of the Respondents, it is opined that since the allegations made in the matter pertain to the internal departmental conduct and administration, therefore, the Respondents are directed stringent measures to rectify such issues and take appropriate actions in this regard.

Further, the Commission is of the view that most of the issues raised by the Petitioners pertaining to delay in allotment of the projects, non-allowance of subsidy by MNRE, etc. is beyond its jurisdiction. The RfP also states as under:

"16. Power to remove difficulties

If any difficulty arises in giving effect to this scheme, Principal Secretary/Secretary, Renewable Energy Department, GoUK/Chairman UREDA is authorized to issue clarification as well as interpretation to such provisions, as may appear to be necessary for removing the difficulty either on its own motion or after hearing those parties who have represented for change in any provision."

Thus, any relief in the matter, if allowable, can only be granted by the competent authority as provided in the above Clause of the RfP.

4.6 The Commission would like to reiterate that most of the issues raised by the Petitioners have already been dealt by the Commission vide its Order dated 15.06.2018 in Petition no. 27 of 2018 (*Suo-moto*) and Petition no. 28 of 2018 (*Suo-moto*). However, in the present Petition, the Commission observed that the solar power plant of the Petitioner-1 was already put under commercial operation w.e.f. 20.03.2018, however, no information was submitted by the Petitioner or the Respondents in this regard while dealing the complaint of the Petitioner-1 in Petition no. 28 of 2018 (*Suo-moto*). The Commission expresses its displeasure in the matter and expects that in future UPCL/UREDA shall provide all the information/facts in all the matters brought before the Commission.

It is pertinent to mention that UPCL took approximately 13 months for testing meters provided by the Petitioner-1. Moreover, UPCL has not submitted any justification for exhausting so much time to check the technical suitability of the meters for the plants in its subsequent submissions. Further, UPCL also delayed in finalising the supervision charges. The said delays could have resulted in late completion of the project, however, the Petitioner-1 itself has not submitted any records/ documents relating to its readiness to commission the plant in the alleged period of delays on account of UPCL. The Petitioner-1, in its Petition, at Para 3.9 has submitted that for development of land Rs. 13.50 Lakh was transferred to the EPC contractor in October 2016 and Rs. 60.00 Lakh was transferred in November, 2016 for procurement of equipments. Even from the same it cannot be assumed that the plant was ready to be commissioned by 31.03.2017. Further, to establish the

Petitioner's claim, the Commission asked the Petitioner to submit the invoices raised by the EPC contractor for construction of the project. In reply, the Petitioner submitted the invoices amounting to Rs. Rs. 15.25 Lakh for inverter and related equipments only. Further, from the Petitioner's submission dated 21.12.2020 wherein it has enclosed the Certificate dated 21.05.2017 issued by the Electrical Inspector wherein the Electrical Inspector has cleared the 11 kV line constructed by the Petitioner to be charged, it can be seen that the Petitioner itself had deposited the fee on 20.05.2017 to the Electrical Inspectorate for seeking clearance of the line. From the same it can be inferred that the plant in no way was ready to be commissioned by 31.03.2017 even though UPCL delayed in testing of meters and finalizing the supervision charges. Hence, based on the discussions in the Order, the Commission is of the view that Tariff with zero subsidy (owing to the non-receipt of subsidy by the Developer) as approved by the Commission vide its Suo-Motu Order dated 03.08.2017 for solar PV plants and Grid Interactive Rooftop & Small Solar PV for FY 2017-18 shall be applicable for the energy supplied or to be supplied from the Solar PV plant of the Developer in future. Further, in case any subsidy is released by the competent authorities, the rates, based on the applicable subsidy, will then be applied as per the aforesaid Order of the Commission.

5. Ordered accordingly.

(M.K. Jain)
Member (Technical)

(D.P. Gairola)
Member (Law)